In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-987

ENCARNACION SOLIS, JR. AND ARMANDO RODRIGUEZ ALANIS, PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a trial in the United States District Court for the Southern District of Texas, petitioners were convicted of having distributed marijuana and having conspired to possess marijuana with intent to distribute it, in violation of 21 U.S.C. 841(a)(1) and 846. The court of appeals affirmed (Pet. App. A).

Petitioners' sole contention is that there was a lack of probable cause for their arrest and that the search incident thereto was thus invalid. This contention is answered in the opinion below which fully sets forth the pertinent facts. In urging that the petition for a

writ of certiorari should be denied, we rely upon this opinion (Pet. App. A 1–5).

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

JANUARY 1973.

U.S. GOVERNMENT PRINTING OFFICE: 1973